

REMARKS

Claims 1-19 are pending in the current Application. Claims 10, 11, 17 and 18 were found to be allowable if rewritten to be in independent form. Claims 1-9, 12-16 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,966,525 issued to Nielsen et al (Nielsen) in view of U.S. Patent No. 4,305,030 issued to Lorenz (Lorenz). Claims 1-5 were rejected as being indefinite. The specification was objected to for a lack of a preferred layout.

Specification

The Examiner objected to the arrangement of the specification. Applicant provides a substitute specification herewith that includes the appropriate specification section headings. Applicant believes that the substitute specification addresses the Examiner's objections and that the specification is now in proper format.

Response to 35 U.S.C §112

Claims 1-5 were rejected under 35 U.S.C §112, second paragraph, as being indefinite. Specifically, the Examiner questions whether the direct current is coming from wind gusts or from the regulating device. As the Examiner notes from the specification, the direct current can come from either. The Examiner should read the claims to afford them the broadest possible scope of protection. Applicant therefore has not amended claims 1-5. Applicant respectfully submits that these claims are in condition for allowance.

Response to 35 U.S.C §103

Claims 1-9, 12-16 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nielsen in view of Lorenz.

Referring to the instant invention, independent claims 1 is directed toward a wind power installation including a machine housing which accommodates a rotor and a displacement device. The displacement device orients the rotor in the direction of the wind. The displacement device includes a three-phase asynchronous motor drive which is supplied with three-phase

current during displacement of the machine housing and, at times or completely, with direct current during the stoppage time of the machine housing. In operation, after the displacement operation by means of three-phase current, the motors are switched off and thus no longer produce any torque. In order to provide for a braking action on the part of the drive motor and in order to maintain an adequate braking torque during the stoppage time when load peaks occur, the three-phase asynchronous motor is acted upon by a direct current immediately after separation from the three-phase network. That direct current generates a stationary magnetic field in the asynchronous motor that is thereby immediately decelerated.

As the Examiner points out, Nielsen provides no teaching or suggestion of a wind power installation having a three-phase asynchronous motor which for displacement of the machine housing is acted upon by a three-phase current. To the contrary, Nielsen discloses a yawing device having the prior art problems described in the background section of the Applicant's application in which the applicant's invention seeks to overcome. The yawing device of Nielsen includes a microprocessor 2 which signals through a cable to the individual yawing motors 10. The signal deactivates the friction brakes and starts the motors so that the windmill is turned to the required new position. Once this has been reached, a signal for actuating the friction brakes is given while at the same time a suitable current is applied to the motors so that they turn in opposite directions with equal force in order to stop the turning of the windmill. (See col. 2, lines 38-50) Nielsen thus teaches away from the instant invention of providing a three-phase asynchronous motor for displacement of the machine housing that is acted upon by a three-phase current for the purpose of providing stopping or braking as claimed in the instant invention.

Lorenz does not correct the deficiencies of Nielsen. Lorenz teaches a timed dynamic electronic braking system for supplying DC braking current to an electric motor for a predetermined amount of time after the motor is disconnected from its electrical AC power source. Lorenz states that the electronic braking system of the present invention can be connected to an existing three-phase AC motor system. However, as noted by the Examiner, Nielsen does not disclose a three-phase AC motor system, therefore the braking system of Lorenz could not be connected to the braking system of Nielsen without changing the principle

of operation of Nielsen. The Examiner has therefore failed to establish a *prima facie* case of obviousness.

With regard to the rejection of the claims under 35 U.S.C. § 103 over Nielsen in view of Lorenz, the Examiner correctly notes that Nielsen does not provide any suggestion of modifying the wind power installation to include a three phase asynchronous motor for displacement of the machine housing as acted upon by a three phase current, and Lorenz does not correct the deficiencies of Nielsen. An analysis under § 103 requires that the Examiner explain why, after assessing the level of those skilled in the art, the skilled artisan would have found the claimed subject matter, as a whole, to have been obvious. To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references, and there must be a reasonable expectation of success. MPEP § 706.02(j). The suggestion or motivation to make the claimed combination and a reasonable expectation of success must both be found in the prior art. *Id.* The Examiner cannot rely on hindsight as the basis for combining two references. If the references do not expressly or impliedly suggest the combination, "the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Id.* (citing *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985)).

There is no teaching in either the Nielsen reference or the Lorenz reference with respect to a wind power installation having a displacement drive having as its drive a three-phase asynchronous motor which is acted upon by a three-phase current. The Examiner has not provided any references that would suggest that this combination would be obvious. Rather, the Examiner has used impermissible hindsight to conclude obviousness. Further, even if the teachings of Nielsen were combined with the teachings of Lorenz, the resulting combination would not teach the wind power installation of the present invention. The arguments against Nielsen and Lorenz above further apply to independent claims 6 and 13 and the dependent claims thereof, which are directed toward a method of use for a wind power installation including decreasing an alternating current which feeds an AC azimuthal drive motor and selectively adjusting a direct current feeding the AC azimuthal drive motor. Thus, claims 1-5, 6-

9, 12-16, and 19 are patentable under §103 over either Nielsen or Lorenz or the combination of Nielsen and Lorenz.

Conclusion

The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

In view of the above amendments and remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this Application and timely allow all pending claims. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

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